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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

GENCO, BRIAN C

ART UNIT PAPER NUMBER

2615

DATE MAILED: 09/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/023,808

Applicant(s)

OBRADOR ET AL.

Examiner

Brian C Genco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the emptying of the frame buffer after the still images are processed, transmitted, or stored as claimed in claims 7 and 13 must be shown or the feature(s) canceled from the claim(s). Further, the video frame buffer of claim 18 wherein the video pipeline and still image pipeline are separate must be shown or the feature(s) canceled from the claim(s). Still further, the limitation of claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner notes that claim 18 is directed to alternative embodiment disclosed in Fig. 5 and described on page 7 of Applicant's disclosure. Examiner notes that Applicant specifically

teaches that no frame buffer is needed on lines 19-20. Examiner further notes that claim 18 depends from claim 10 wherein claim 10 contains the limitation of a frame buffer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 2002/0024602 to Juen).

In regards to claim 1 Juen discloses a method for concurrently acquiring, processing, and transmitting digital video and still images, comprising:

acquiring video frames from one or more image sensors (e.g., element 1);

processing the video frames using a video pipeline, wherein the video pipeline includes

one or more processors (e.g., video pipeline includes elements 7, 3, and R of Fig. 5, wherein

elements 4 and 7 are inherently processors for performing the labeled process, e.g.,

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compressing);

temporarily storing the video frames in a frame buffer when one or more high resolution still images are acquired during the video frame acquisition (e.g., Juen discloses during video recording if a still image is taken then it is stored in a buffer until video recording is completed and upon completion of storing the video images the still image is subsequently stored (e.g., paragraph 43, 44, and 51, Fig. 5). It would have been obvious to one of ordinary skill in the art to have buffered the video data while recording the still image data and then resumed the video data recording in order to keep the buffer size small while being able to record many still images during video recording.); and

processing the high resolution still images using a still image pipeline wherein the still image pipeline runs concurrently with the video pipeline (e.g., still video pipeline includes elements 5, 7, 4, and R, wherein the two pipelines operate concurrently, e.g., while one pipeline is recording the other pipeline is buffering).

In regards to claim 2 Juen discloses downsampling the video frames as disclosed by element 8 of Fig. 5 and paragraphs 47 and 49. Examiner notes it is extremely well known in the art to provide demosaicing and color correcting in order to provide an image that correctly represents the colors of an image taken. Official notice is taken. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added demosaicing and downsampling in order to provide an image that correctly represents the colors of an image taken.

In regards to claims 3 and 4 see Examiners notes on the rejection of claim 2. Note further element 7 of Fig. 5.

In regards to claim 5 Examiner notes that it is extremely well known in the art to provide communications channels in a digital camera in order to provide data transportability. Official notice is taken. Therefore it would have been obvious to one skilled in the art at the time of the invention to have added communication channels in order to provide data transportability.

In regards to claim 6 see element R.

In regards to claim 7 see Examiners notes on the rejection of claim 1. Note that since the buffer is storing the video images it would need to be emptied so that if a subsequent still image is taken there is still room in the frame buffer to buffer the video images as would be readily apparent to one skilled in the art.

In regards to claim 8 note that in Fig. 5 both pipelines use the compression processor in the image compression means element 7 and the same imaging means 1.

In regards to claim 9 see Fig. 5 and Examiners notes on the rejection of claim 1.

In regards to claim 10 see Examiners notes on the rejection of claim 1.

In regards to claim 11 see Examiners notes on the rejection of claim 6.

In regards to claim 12 see Examiners notes on the rejection of claim 5.

In regards to claim 13 see Examiners notes on the rejection of claim 7.

In regards to claim 14 see Fig. 7 wherein Juen discloses all of a microprocessor element 18, a DSP element 15 and several elements 14, 16, 17, 20, 21, and 22 which one skilled in the art would recognize could be implemented as ASICs. Note paragraph 0079.

In regards to claim 15 see Examiners notes on the rejection of claims 2 and 3.

In regards to claim 16 see Examiners notes on the rejection of claim 3.

In regards to claim 17 see Examiners notes on the rejection of claim 8.

In regards to claim 19 see Fig. 2.

In regards to claim 20 see Examiners notes on the rejection of claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Thursday 7:30am to 4:30 pm and every other Friday 7:30am to 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center 2600 customer service office whose telephone number is 703-306-0377.

Brian C Genco
Examiner
Art Unit 2615

September 22, 2003



**ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**